

### **Remarks**

Claims 76-114 are pending with this application. Claims 1-37, 39, 41, 42, 45, 46, 49, 55, 59-64, 66-68 and 72-75 have been cancelled without prejudice. Claims 38, 40, 43-44, 47-48, 50-54, 56, 58, 65, and 69-71 have been withdrawn.

In an Office Action mailed February 6, 2009, the Examiner rejected Claims 112-114 for lacking antecedent basis. Applicants thank the Examiner for the finding and have amended said claims to remove the rejection under 35 U.S.C., second paragraph. Claims 112-114 have been amended to depend from Claim 111.

The claims have been rejected under 35 U.S.C. 103(a) as being obvious over U.S. Application Publication No. 2002/0139082 (herein, "DeFord") in view of JP 05/287234 (herein, "Yonekawa") or further in view of International Publication No. WO 2001/068777 (herein "Dornieden"). The Examiner has removed the previous rejection agreeing that DeFord does not anticipate the claims; the Examiner states on page 3 of the Office Action that DeFord does not teach or suggest a carbonation reducing sealer being applied to either a first and/or second major opposing surfaces where the sealers have a thickness of at least 15 microns. Applicants agree with this statement. The Examiner has combined the teaching of DeFord with Yonekawa (and further with Dornieden) stating that the DeFord with Yonekawa references disclose analogous inventions where water repellant is desired. Applicants respectfully disagree and point out at least two important distinctions that are contrary to the Examiner's statement.

It is first pointed out that the DeFord reference is directed and specifically discloses making a building material that includes "lighter, more nailable, easier to cut, and easier to machine" articles "while retaining the durability, fire-resistant, rot-resistant, and water-resistance properties of the fiber cement" (e.g., para. [0006]). DeFord accomplishes its objective by preparing a composite material made of the following components: (a) very thin fiber cement skins (preferably 1/8 inch or less) and (b) a highly porous foamed core. On the other hand, Yonekawa is specifically directed to an emulsion for use on cement mortar. The composition of the cement mortar is not disclosed in Yonekawa, however, one of ordinary skill in the art

understands that cement mortar has a very different material and matrix composition from both fiber cement and from a highly porous foamed core. As such, DeFord and Yonekawa do not disclose analogous cement compositions.

It is also pointed out that DeFord does not describe anything about reducing a propensity for differential carbonation of the fiber cement skin or the highly porous foamed core. While DeFord does disclose a desire to prepare articles that have good moisture control [e.g., para. [0095]], the term “carbonation” does not appear anywhere in the DeFord reference. The Examiner may misunderstand the meaning of carbonation, which is carbon dioxide attack on calcium. Contrary to the Examiner’s suggestion, the problem to be sought by the subject application is not to provide additional water resistance (water repellence). Instead the subject application seeks to reduce differential carbonation within a fibre-reinforced cement article so that carbonation occurs at a uniform rate throughout the article and in a balanced and controlled manner, to thereby reduce surface cracking and/or warping of the formed article. Differential carbonation and its reduction is a separate and distinct issue from water repellence; reduction of differential carbonation includes controlling internal carbonation and providing a barrier to both carbon dioxide and water. There is no express or implicit disclosure or suggestion whatever by DeFord that the DeFord reference is motivated to reduce differential carbonation. The Examiner even states this expressly on page 2 of the Office Action. Thus combining the DeFord reference with any other, including Yonekawa, is not possible because DeFord does not teach or suggest anything related to the claimed invention and there is no motivation to combine such a reference as DeFord with any other to achieve anything remotely related to a reduction of differential carbonation.

The Examiner has given no clear reason to combine the DeFord reference with Yonekawa except to say that they disclose analogous inventions where water repellence is desired. Applicants respectfully submit that the claims themselves are not directed to an invention where water repellence is desired. Hence, where is the suggestion or motivation to rely on DeFord? Moreover, Yonekawa also does not disclose the claimed invention, and does not teach or suggest an engineered fibre reinforced cement product including a first major surface to which a carbonation reducing sealer is applied and a second generally opposing major

surface to which the carbonation reducing sealer is applied, so as to reduce propensity for differential carbonation in the product, wherein the carbonation reducing sealer applied to each of the major surfaces is at least 15 microns in overall thickness. As such, neither DeFord nor Yonekawa alone or in combination teach each and every element of Applicants claimed invention or Applicants claimed invention on its whole, which is a requirement for a rejection of obviousness. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. 103(a) be removed.

### **Conclusion**

Applicants respectfully submits that the Application is in condition for allowance and earnestly seeks such allowance of the claims as provided with the listing of claims beginning on page 2 of this paper.

Should the Examiner have questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants' representative at 214.999.4330. Applicants, through their representative, stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application.

Fees for extension of time are included with this filing. No additional fees are believed to be due with this paper. To the extent that fees are required, such as petition fees, the Commissioner is hereby authorized to charge payment of such fees to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP and reference Attorney Docket No. 131279-1050.

This is intended to be a complete response to an Office Action mailed on the date of February 6, 2009.

**Please direct all correspondence to the practitioner listed below at Customer No. 60148.**

Respectfully submitted,

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